

09/763481

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

1-15247

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/763,481

INTERNATIONAL APPLICATION NO.  
PCT/DE99/02582

INTERNATIONAL FILING DATE  
13 August 1999 (13.08.99)

PRIORITY DATE CLAIMED  
28 August 1998 (28.08.98)

TITLE OF INVENTION

**METHOD FOR PRODUCING AN ELECTROCHROMIC LAYER**

APPLICANT(S) FOR DO/EO/US

**AXEL NOETHE and STEFAN MENZEL**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Return card, express mail certificate, Form PTO-1390 transmittal cover letter; Response to Notification of Missing Requirements and copy of Form PCT/DO/EO/905 & PCT/DO/EO/917.

04/25/2001 HNGUYEN 00000111 09763481

01 FC 154 130.00 OP

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/763,481

INTERNATIONAL APPLICATION NO.

PCT/DE99/02582

ATTORNEY'S DOCKET NUMBER

1-15247

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ -

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$ -
Independent claims	- 3 =		x \$80.00	\$ -
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ -

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

+

\$ -

**SUBTOTAL =**

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ -

**TOTAL NATIONAL FEE =**

\$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ -

**TOTAL FEES ENCLOSED =**

\$ 130.00

Amount to be  
refunded:

\$

charged:

\$

- a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

PHILLIP S. OBERLIN

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Four SeaGate - 8th Floor

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SIGNATURE

PHILLIP S. OBERLIN

NAME

19,066

REGISTRATION NUMBER

"Express Mail" Label Number EL 469908480US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on April 23, 2001 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Kathleen J. Moore  
(Signature of person mailing correspondence)

Kathleen J. Moore  
(Typed name of person mailing correspondence)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	]	
AXEL NOETHE and STEFAN MENZEL	]	
	]	Group Art Unit:
Serial No. 09/763,481	]	
Filed:	]	
	]	
Filing Under 35 U.S.C. 371 in	]	Examiner:
the DO/EO/US off PCT/DE99/02582	]	
filed 13 August 1999	]	
	]	
For: METHOD FOR PRODUCING AN	]	Attorney Docket: 1-15247
ELECTROCHROMIC LAYER	]	

April 23, 2001

Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 USC 371

Honorable Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated March 21, 2001, Form PCT/DO/EO/905, (copy attached), enclosed for filing is the fully executed Combined Declaration and Power of Attorney document. This executed Declaration is being submitted within one month from the date of the Notice of Missing Requirements, the due date of which fell on Saturday, April 21, 2001.

A check in the amount of \$130.00 is enclosed to cover the surcharge fee for late filing of the Oath/Declaration.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

Respectfully submitted,



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Phillip S. Oberlin  
Registration No. 13,066

ATTORNEYS

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Phone: (419) 249-7149  
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## Certificate under 37 CFR 1.10 of Mailing by "Express Mail"

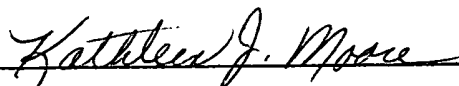
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"Express Mail" label number

April 23, 2001

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of person mailing correspondence

Kathleen J. Moore

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

### RESPONSE TO MISSING REQUIREMENTS UNDER 35 USC 371 IN THE DESIGNATED/ ELECTED OFFICE US AS DO/EO & SUBMISSION OF EXECUTED DECLARATION

Int'l Appln. No. PCT/DE99/02582 filed 13 August 1999

U.S. Serial No. 09/763,481

Title: "Method for Producing an Electrochromic Layer"

Inventors: Axel Noethe and Stefan Menzel

Attorneys: Marshall & Melhorn, LLC

Attorney Docket No. 1-15247